

REMARKS

Reconsideration and allowance of the present application are respectfully requested. Claims 1-13 and 15-31 remain pending in the application. By the foregoing amendment claim 14 is canceled; claims 1, 11, 15, 16 and 19-24 are amended; and claims 28-31 are added.

Applicant notes with appreciation the Examiner's indication in numbered paragraph 4, page 7 of the Office Action that claims 10, 12 and 14-18 contain allowable subject matter. In response, claims 1, 19, 20 and 22-24 incorporate the subject matter of claim 14 (claim 14 is canceled); claim 28 is added incorporating the subject matter of claims 1 and 12; claim 29 is added incorporating the subject matter of claims 1 and 17; claim 30 is added incorporating the subject matter of claims 1 and 18; and claim 31 is added incorporating the subject matter of claims 1, 9 and 10.

In numbered paragraph 1, page 2 of the Office Action, claims 20 and 21 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. To obviate the rejection, claim 20 is amended as suggested by the Examiner. Withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

In numbered paragraph 2, page 2 of the Office Action, claim 11 is rejected under 35 U.S.C. §112 for lack of antecedent basis. To obviate the rejection, claim 11 is amended to provide the antecedent basis. Withdraw of the rejection is respectfully requested.

In paragraph 3, page 3 of the Office Action, independent claims 1, 19 and 22-24, along with various dependent claims, are rejected as being anticipated by US 2002/0034336 A1 (Shiota et al.). This rejection is respectfully traversed.

Claims 1, 19, 20 and 22-24 are amended to incorporate the allowable subject matter of claim 14. Newly added independent claims 28-31 recite other allowable features as the Examiner indicated.

For example, the Shiota et al. publication does not teach or suggest "the photographic image data or image data deduced therefrom, which represent an image comprising a plurality of image portions, are analyzed for a predefined image property and are assigned to image property values based on the analysis of the image portions in order to obtain auxiliary masks, wherein the image property values represent respectively a value for the predefined image property in the respective image portion and the elements of the auxiliary mask correspond to the image property values, and the correction mask is manipulated based on the elements of the auxiliary mask," as recited in claims 1, 19, 20 and 22-24.

Further, claim 11 recites "frequency distribution of the at least one image property is determined, the frequency distribution describing the frequency of a value in the image as a function of the image property determined by the value, whereby the values quantify the at least one image property in the image elements and the correction change manipulates the frequency distribution in such a way that it is at least closer to a nominal distribution which is assigned to the quantified image property than the unmanipulated frequency distribution or corresponds thereto." The claimed feature encompasses yielding a uniform distribution of brightness based on masking of a coarse image. The Shiota et al. publication does not teach or suggest the recited claim feature. In contrast, the Shiota et al. publication merely discloses that a compression ratio on a bright portion side of an image of a histogram is set to a large value for image density [0241].

As such, Applicant's independent claims 1, 19, 20 and 22-24 are allowable. Similarly, newly added independent claims 28-31 are allowable. The remaining claims variously depend from the independent claims and recite additional advantageous features which further distinguish over the document relied upon by the Examiner. As such, the present application is in condition for allowance.

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice of Allowance is respectfully solicited.

Respectfully submitted,

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